

REMARKS

Claims 1 and 4-9 are pending in this application.

Applicants' claims pertain to a novel pressure-sensitive adhesive for single-sided or double-sided adhesive sheet strips which are redetachable from substrates without residue or destruction by extensive stretching in the plane of the bond. The novel pressure-sensitive adhesive is composed of a mixture comprising a block copolymer and a tackifier, wherein at least one superabsorbent which is swellable in H₂O is incorporated into the mixture in an amount of from 0.5 to 20% by weight, based on the weight of adhesive as recited in claim 1.

Claims 1 and 4-9 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Dunshee (US 2002/0165477) taken individually or in view of Stempel (US 5,492,943).

As set forth in the December 21, 2007 Amendment and acknowledged by the Patent Office in the December 31, 2007 Advisory Action, Dunshee does not in any way teach or suggest the addition of any absorbent, least of all a superabsorbant, to his adhesive compositions and only discusses the superabsorbent in the context of its addition to the backing only.

Stempel, as discussed in the previous Amendment, is concerned with pressure-sensitive adhesives for sealing the faceplate of an ostomy appliance to skin surfaces surrounding a patient's stoma. Stempel's adhesive is not said to be removable upon stretching in the bond plane, as is Applicants'. Moreover, Stempel's adhesives must have water-absorbers in the amount of from 35-65% (col. 4, lines 43 and 44). Applicants' claims are now limited to 0.5-20% superabsorbents.

In the Advisory Action, the Patent Office alleges that (1) Stempel discloses superabsorbents (sodium carboxymethylcellulose) that are added to the pressure-sensitive adhesive of Stempel, (2) it would have been obvious to one having ordinary skill in the art at the time the invention was made to add superabsorbent in the adhesive, motivated by the desire to control the moisture content consequently, the bonding properties of the adhesive, and (3) in absence of any unexpected results, choosing a suitable amount of superabsorbent would involve routine optimization, depending on the bonding properties of the adhesive that are desired. On the contrary, Applicants submit that neither Dunshee nor Stempel, taken singly or in combination, teaches or suggests the pressure sensitive adhesive as specifically defined in claim 1.

Attached is a Declaration under 37 CFR 1.132 (hereinafter "the Rule 132 Declaration"). The Rule 132 Declaration provides a technical explanation as to why Stempel's adhesives are far too weak in their tensile strength for use as redetachable adhesive sheet strips which are removable from a substrate to which they have become adhesively bonded, without leaving a residue behind or being destroyed.

As set forth in the Rule 132 Declaration, it is understood by those skilled in the adhesives art that an adhesive which is intended to be removable from a substrate to which it has become adhesively bonded, without leaving a residue behind or being destroyed, by extensive stretching in the plane of the bond, should have a tensile strength of more than 3 N/mm². Examples of the presently claimed pressure-sensitive adhesive satisfy this tensile strength requirement because the examples have a tensile strength of at least 9.7 MPa, which converts to 9.7 N/mm² (see Example 5 of the present application).

In Stempel, Examples 1-6 are embodiments of Stempel's adhesives and Examples 7-11 are not embodiments of Stempel's invention. The table of Example 14 in Stempel illustrates Tensile Properties for Examples 1-11 in Stempel. Example 2 of Stempel exhibits the greatest tensile strength for Examples 1-6 of Stempel (see the table of Example 14 in Stempel). With that said, it is clear that the adhesives in accordance with the teachings of Stempel fail to satisfy the tensile strength requirement of more than 3 N/mm² because Stempel's adhesives have a tensile strength of no more than 16.6 psi, which converts to 0.114 N/mm² (see Example 2 in the table of Example 14 in Stempel). Thus, Stempel's adhesives are clearly far too weak in their tensile strength for use in redetachable adhesive strips, and no person skilled in the art would ever attempt to use them in such an application.

Use of Stempel's adhesives in Dunshee adhesive articles as alleged by the Patent Office would achieve adhesive articles that are useless as stretch removable

articles because such adhesive articles would have tensile strength far too weak to satisfy the tensile strength requirement of more than 3 N/mm² for removable adhesives. As a result, no person skilled in the art would ever attempt to use Stempel's adhesives in Dunshee's adhesive articles to produce useful stretch removable articles.

Stempel's adhesives include water-absorbers, such as sodium carboxymethylcellulose, as alleged by the Patent Office in the Advisory Action. However, Stempel's adhesives with the water-absorbers, such as Examples 1-6 of Stempel, have, at best, a tensile strength of no more than 0.114 N/mm² which fails to satisfy the tensile strength requirement of more than 3 N/mm² for removable adhesives. Thus, no person skilled in the art would ever add Stempel's water-absorbents to Dunshee's adhesives, out of concern that this would weaken Dunshee's adhesives, as Stempel's adhesives to which the water-absorbers were added are far too weak to be even considered for Dunshee's application as removable adhesives.

Therefore, no one skilled in the art would have modified Dunshee with Stempel to achieve the novel pressure-sensitive adhesive defined by Applicants' claims, and the rejection of claims 1 and 3-9 under 35 U.S.C. 103(a) as allegedly being obvious over Dunshee in view of Stempel should now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1 and 4-9 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account

No. 14-1263.

Respectfully submitted,
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